

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Scott Chandler

v.

Civil No. 12-cv-121-JD

Michael J. Astrue, Commissioner,
United States Social Security
Administration

O R D E R

Pro se claimant Scott Chandler has filed an action challenging a decision of the Social Security Administration ("SSA") denying his claim for social security disability benefits, pursuant to 42 U.S.C. § 405(g). Because Chandler is proceeding pro se and in forma pauperis, the matter is before the court for preliminary review. See 28 U.S.C. § 1915(e)(2); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B).

Discussion

Chandler, seeking judicial review of an adverse SSA decision, filed a complaint in this court (doc. no. 1). Chandler was directed to amend his complaint to demonstrate that he has exhausted his administrative remedies on his appeal. See Order (doc. no. 3). Chandler has now filed an amended complaint (doc. no. 4), along with a copy of his "right to sue" letter

from the SSA (doc. no. 4-1), which demonstrate that this action has been both exhausted and timely filed. Accordingly, this matter may proceed at this time.

Conclusion

The amended complaint (doc. no. 4) shall be served on defendant. See Fed. R. Civ. P. 4(c)(3). The Clerk's office is directed to prepare and issue the necessary summonses and to then forward to (1) the United States Attorney for the District of New Hampshire; (2) the Attorney General of the United States; and (3) Michael Astrue, Social Security Administration Commissioner, by certified mail, return receipt requested, the summonses, along with copies of the amended complaint (doc. no. 4) and this Order. See Fed. R. Civ. P. 4(i)(2).

Defendant is instructed to answer or otherwise plead within 60 days of service, see Fed. R. Civ. P. 12(a)(2), and to file the certified administrative record, in accordance with 42 U.S.C. § 405(g) and LR 9.1.

The parties shall comply with all applicable rules thereafter, including LR 9.1, concerning social security cases filed in this court.

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on

the defendant by delivering or mailing the materials to
defendant or defendant's attorney(s), pursuant to Fed. R. Civ.
P. 5(b).

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

December 5, 2012

cc: Scott Chandler, pro se

LBM:jba